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EXAMINER	
PHUONG, DAI	

ART UNIT	PAPER NUMBER
2688	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/692,022	KOKKO ET AL.	
	Examiner	Art Unit	
	Dai A. Phuong	2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/25/2005 have been fully considered but they are not persuasive. Claims 1-16 are currently pending.

Applicant, on page 3 of his response, argues that Robertson et al. do not disclose or suggestion in Robertson that are relevant to ***locking or unlocking a screen in a mobile device*** as disclosed and claimed in the present invention for at least the reason that ***pressing the surface of the locked touch screen is required to placed an emergency call from the mobile phone touch screen locked state***. However, the examiner disagrees.

First, in response to applicant's arguments, the recitation "locking or unlocking a screen in a mobile device" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Second, Robertson et al. disclose a method of placing an emergency call by pressing input function keys simultaneously in a predetermined time and/or ***pressure activated switches***. The applicant's attention is directed to the disclosure of the reference Robertson et al., at paragraph ([0031]), as follows:

> [0031] In a further exemplary embodiment, the hardware abstraction layer may be programmed to automatically have the ***operating system place an emergency call when the user depresses alternative combinations of input function keys 112, for example depressing two or three keys simultaneously for a certain period of***

> ***time, or even holding one input function key 112 down for a certain length of time.*** Navigation buttons 124 may also be used as the input to place the emergency call. The use of input function keys 112 and navigation buttons 124 instead of requiring user interaction with display 114 solves the problems discussed in the Background section whereby the user can have difficulty placing a call when display 114 is non-functional or updating slowly. ***Further, it should be noted that many configurations of handheld computers and other mobile devices exist that may include other types and configurations of input devices, such as, but not limited to different button configurations, scrolling devices, knobs, selectors, switches, temperature activated switches, pressure activated switches, and the like.*** Alternative embodiments are applicable to these and many other devices and configurations in which a specific input device activation may be used to cause automatic dialing of an emergency call or connection to an emergency service provider. Further still, it should be noted that many methods exist for programming the functionality of an automatic emergency call upon a specified input device activation, not limited to the programming of the hardware abstraction layer as referred to above.

Since claims do not clearly recite. Therefore, Robertson et al. read on the claimed limitations with the broadest reasonable interpretation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al. (Pub. No: 2002/0160807) in view of Kishi et al. (U.S. 5,635,925).

Regarding claim 1, Robertson et al. disclose a method for emergency calling in a touch screen mobile phone from a touch screen locked state characterized by the steps of: providing a mobile phone dialer on the touch screen ([0023]. Specifically, Robertson et al. disclose selecting

a phone number from an address book application after the user has searched for a particular name, tapping numbers on a displayed keypad **on display 114** if the user is operating a dialer application, or **writing numbers into writing section 118 using a stylus**); entering an emergency call number into the mobile phone dialer ([0023]. Specifically, Robertson et al. disclose selecting a phone number from an address book application after the user has searched for a particular name, **tapping numbers on a displayed keypad** on display 114 if the user is operating a dialer application, **or writing numbers into writing section 118** using a stylus); pressing the call key to dial the emergency call number, and establishing the emergency call connection ([0023]. Specifically, Robertson et al. disclose after the user has selected a number to call, the user must activate the phone call (step 208). Typically, activating the call involves tapping a phone icon displayed on display 114). But, Robertson et al. do not disclose a method for emergency calling in a touch screen mobile phone from a touch screen locked state characterized by the steps of: pressing the surface of the touch screen; providing a message on the touch screen display indicating that only emergency calls are allowed.

In the same field of endeavor, Kishi et al. disclose a method for emergency calling in a touch screen mobile phone from a touch screen locked state characterized by the steps of: pressing the surface of the touch screen (col. 7, lines 8-10); providing a message on the touch screen display indicating that only emergency calls are allowed (col. 7, lines 8-10). However, Kishi et al. do not disclose in a mobile wireless communications device, providing an **"ONLY EMEGENCY CALLS ALLOWED"** message on the touch screen display. It would have been obvious to one of ordinary skill in the art to modify Kishi et al. by having the mobile wireless communication device providing an **"TELEPHONE NUMBER"** message on the touch screen

display, since the technique described by Kishi et al. would perform equally well if operated at the system or device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handheld computing device of Robertson et al. by specifically including pressing the surface of the touch screen; providing a message on the touch screen display indicating that only emergency calls are allowed, as taught by Kishi et al., the motivation being in order to display a various pieces of information.

Regarding claim 2, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 1. Further, Robertson et al. disclose the method for emergency calling in a touch screen mobile phone as defined further characterized by the steps of: clearing an entry into the mobile phone ([0022]); resetting the timer in response to clearing an entry into the mobile phone dialer ([0027] and [0031]), and conditioning the mobile phone dialer for a further entry in response to resetting the timer ([0027] and [0031]).

Regarding claim 3, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 2. Further, Robertson et al. disclose the method for emergency calling in a touch screen mobile phone as defined further characterized in that the entry is an alphanumeric entry ([0023]).

Regarding claim 4, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 2. Further, Robertson et al. disclose the method for emergency calling in a touch screen mobile phone as defined in claim 2 further characterized in that the entry is an event entry ([0027] and [0031]).

Regarding claim 5, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 1. Further, Robertson et al. disclose the method for emergency calling in a touch screen mobile phone as defined further characterized by the step of locking the touch screen from operation in the absence of operating any key on the keypad within a third predetermined time interval duration and activating the touch screen lock ([0022] and [0031]).

Regarding claim 7, Robertson et al. disclose apparatus for emergency calling from a touch screen locked state in a touch screen display mobile phone having a touch screen lock, characterized by: means defining a mobile phone dialer ([0023]. Specifically, Robertson et al. disclose depending on where the user is in the user interface, navigating to a phone application can involve several separate interactions with display 114); means for detecting contact with the surface of the touch screen display ([0023]. Specifically, Robertson et al. disclose the process used to select the number to be dialed by the phone depends on the application the user is operating. Examples include selecting a phone number from an address book application after the user has searched for a particular name, **tapping numbers on a displayed keypad on display 114 if the user is operating a dialer application, or writing numbers into writing section 118 using a stylus**); means for entering an emergency call number into said mobile phone dialer ([0023]. Specifically, Robertson et al. disclose the process used to **select the number to be dialed** by the phone depends on the application the user is operating. Examples include selecting a phone number from an address book application after the user has searched for a particular name, **tapping numbers** on a displayed keypad on display 114 if the user is operating a dialer application, or **writing numbers into writing section 118 using a stylus**), and means for activating said mobile phone dialer to dial the emergency call number ([0023].

Specifically, Robertson et al. disclose after the user has selected a number to call, the user must activate the phone call. Furthermore, Robertson et al. disclose when all four input function keys 112 are depressed simultaneously for one second, handheld computer 100 will automatically place the emergency call or provide a communications connection to an emergency service provider). But, Robertson et al. do not disclose apparatus for emergency calling from a touch screen locked state in a touch screen display mobile phone having a touch screen lock, characterized by: means responsive to touch screen surface contact detection for providing an "ONLY EMEGENCY CALLS ALLOWED" message on the touch screen display.

In the same field of endeavor, Kishi et al. disclose apparatus for emergency calling from a touch screen locked state in a touch screen display mobile phone having a touch screen lock, characterized by: means responsive to touch screen surface contact detection for providing an "ONLY EMEGENCY CALLS ALLOWED" message on the touch screen display (col. 7, lines 8-10). However, Kishi et al. do not disclose in a mobile wireless communications device, providing an **"ONLY EMEGENCY CALLS ALLOWED"** message on the touch screen display. It would have been obvious to one of ordinary skill in the art to modify Kishi et al. by having the mobile wireless communication device providing an **"TELEPHONE NUMBER"** message on the touch screen display, since the technique described by Kishi et al. would perform equally well if operated at the system or device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handheld computing device of Robertson et al. by specifically including responsive to touch screen surface contact detection for providing an "ONLY

EMEGENCY CALLS ALLOWED" message on the touch screen display, as taught by Kishi et al., the motivation being in order to display a various pieces of information.

Regarding claim 8, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 7. Further, Robertson et al. disclose the apparatus for emergency calling as defined further characterized by means for establishing the emergency call connection ([0031]. Specifically, Robertson et al. disclose it should be noted that many methods exist for programming the functionality of an automatic emergency call upon a specified input device activation).

Regarding claim 9, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 7. Further, Robertson et al. disclose the apparatus for emergency calling as defined wherein said means for activating said mobile phone dialer is further characterized in that said mobile phone dialer includes means responsive to the operation of a first predetermined key to dial the emergency call number ([0031]).

Regarding claim 10, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 9. Further, Robertson et al. disclose the apparatus for emergency calling as defined further characterized in that said first predetermined key is the CALL key ([0031]).

Regarding claim 11, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 7. Further, Robertson et al. disclose the apparatus for emergency calling as defined further characterized by: means defining a timer ([0027]); means for clearing an entry into said mobile phone dialer ([0022]); means for resetting said timer in response to said means

clearing an entry into said mobile phone dialer ([0027]), and means for conditioning said mobile phone dialer for a further entry in response to said timer being reset ([0031]).

Regarding claim 12, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 11. Further, Robertson et al. disclose the apparatus for emergency calling as defined further characterized by an alphanumeric entry ([0023]).

Regarding claim 13, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 11. Further, Robertson et al. disclose the apparatus for emergency calling as defined further characterized by an event entry ([0023]).

Regarding claim 14, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 7. Further, Robertson et al. disclose the apparatus for emergency calling as defined further characterized in that the touch screen is locked from operation in response to the absence of detection of touch screen surface contact within a third predetermined time interval duration ([0027] and [0031]).

Regarding claim 15, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 7. Further, Robertson et al. disclose the apparatus for emergency calling as defined wherein said means for activating said mobile phone dialer is further characterized in that said mobile phone dialer is responsive to a second predetermined key being operated for a time duration interval equal to or greater than a first predetermined time duration interval ([0027] and [0031]).

Regarding claim 16, the combination of Robertson et al. and Kishi et al. disclose all the limitation in claim 7. Further, Robertson et al. disclose the apparatus for emergency calling as

defined in claim 15 further characterized in that said second predetermined key is the END key ([0027] and [0031]).

4. Claims 1-5 and 7-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al. (Pub. No: 2002/0160807).

Regarding claim 6, Robertson et al. disclose a method for emergency calling in a touch screen mobile phone from a touch screen locked state characterized by the steps of: pressing the END call key for a first time duration interval ([0031]. Specifically, Robertson et al. disclose the operating system place an emergency call when the user depresses alternative combinations of input function keys 112, for example depressing two or three keys simultaneously for a certain period of time, or **even holding one input function key 112 down for a certain length of time**); activating the mobile phone dialer on the touch screen display in response to the END call key being pressed for a time duration interval equal to or greater than a first predetermined time duration interval ([0027]. Specifically, Robertson et al. disclose the operating system place an emergency call when the user depresses alternative combinations of input function keys 112, for example depressing two or three keys simultaneously for a certain period of time, **or even holding one input function key 112 down for a certain length of time**, in section [0031]); dialing the emergency call number, and establishing the emergency call connection ([0030]. Specifically, Robertson et al. disclose handheld computer 100 will automatically place the emergency call or provide a communications connection to an emergency service provider).

However, Robertson et al. do not disclose pressing the **END call key**. It would have been obvious to one of ordinary skill in the art to modify Robertson et al. by having **any input**

device can be used in placing an emergency call, since the technique described by Robertson et al. would perform equally well if operated at the mobile device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

SINGH (Pub. No: 20020018051) moving object on a touch screen display

Goldstein (U.S. 541326) interfacing with a plurality of remotely control device

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2688
Date: 12-22-2005

GEORGE ENG
SUPERVISORY PATENT EXAMINER